

Closing Procedures: Duties of the Municipal Election Officials

2017 Municipal Certification Training

Presented by:
Mississippi Secretary of State's Office
Elections Division



DELBERT HOSEMANN
Secretary of State

Canvassing the Results

- The Municipal Election Commission in General and Special Elections and the Executive Committee in Primary Elections must “canvass” the results of the election.
- Canvassing requires accepting or rejecting affidavit ballots.
- Canvassing requires verifying the tallying conducted by the poll workers on Election Day (hand-count jurisdictions).



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Absentee Ballots



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Absentee Ballots

Election Officials utilizing a central scanner:

- Ensure the poll managers processed all absentee ballots at the precinct and marked each envelope “ACCEPTED” or “REJECTED.”
- The “ACCEPTED” ballot envelopes are opened and absentee ballots removed, without examining the ballots.
- Scan the ACCEPTED absentee ballots through the central scanner at Election Central and add the absentee totals to the precinct count.
- Reseal all absentee materials (opened accepted ballots, opened envelopes and rejected absentee ballots still sealed in their envelopes) in the ballot box.



Absentee Ballots

Election Officials not utilizing a central scanner:

- Ensure the poll managers processed all absentee ballots at the precinct, opening the “ACCEPTED” absentee ballots and hand counting those ballots or scanning through the precinct scanner.
- Make sure the total number of absentee ballots are accounted for and all absentee materials (opened accepted ballots, envelopes and rejected absentee ballots still sealed in their envelopes) are sealed in the ballot box.



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Absentee Ballots

Election Officials (election commissioners, executive committee and clerks) do **NOT**:

- Review and/or mark absentee ballots envelopes as “ACCEPTED” or “REJECTED.”
- Re-evaluate absentee ballot envelopes or applications.
 - Poll managers’ decisions are final.
 - If the poll managers do not review and mark the absentee ballot envelopes at the precinct, you must call them back to the courthouse to process and mark.



Affidavit Ballots



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Affidavit Ballots Are Used When:

- 1) A voter's name does not appear on the pollbook because:
 - The voter has moved within the city or district but did not update his registration;
 - The voter was moved to inactive or purged (correctly or erroneously) from SEMS;
 - The voter registered too late; or
 - The voter was illegally denied registration.



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Affidavit Ballots Are Used When (cont.):

- 2) A voter is unable to present an acceptable form of photo ID.
- 3) A voter is unable to present an acceptable form of photo ID because he/she has a religious objection to being photographed.
- 4) A voter's photo ID does not "fairly depict" the voter.



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Affidavit Ballots Are Used When (cont.):

- 5) The voter's name on his/her presented photo ID is not "substantially similar" to his/her name as it appears on the pollbook.
- 6) A voter is a first-time, unverified mail-in registrant, who does not have a HAVA ID.
 - Current utility bill
 - Current bank statement
 - Current government check or paycheck
 - Other government document showing the name and address of the voter



Affidavit Ballot Envelope Must Include:

- Voter's complete name;
- Voter's current residential and mailing addresses, previous residential and mailing addresses, and telephone number(s);
- Reason why the voter believes he/she is casting an affidavit ballot;
- Signature of the affiant/voter; and
- Signature of one of the poll managers.



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Processing Affidavit Ballots

- When canvassing and certifying the election, the election officials process affidavit ballots at Election Central.
- Affidavit ballot envelopes must be marked “ACCEPTED” or “REJECTED,” with the reason for rejection marked on the envelope along with any follow-up action to be taken.



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Processing Affidavit Ballots

- A voter who casts an affidavit ballot because he/she does not have an acceptable form of photo ID has five (5) business days after the election to present a photo ID to the Municipal Clerk's Office, or receive a temporary MS Voter ID Card, if eligible.
- A voter who casts an affidavit ballot because he/she has a religious objection to being photographed has five (5) business days after the election to sign an Affidavit of Religious Objection in the Municipal Clerk's Office.



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AFFIDAVIT OF RELIGIOUS OBJECTION

VOTER INFORMATION: (Please PRINT)

Voter's Name: _____
First Middle Last

Last Four Digits of Social Security # Date of Birth: ____/____/____

Current Street Address: _____
City/Town State Zip

Current Mailing Address: _____
City/Town State Zip

TO THE ELECTION COMMISSION:

The undersigned, after being first duly sworn, deposes and states as follows:

1. I am a duly qualified and registered voter,
2. It is against my religious beliefs and practices to be photographed. / I have a religious objection to being photographed.
3. I understand that I may be convicted of a felony, punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or fined not less than \$100.00 nor more than \$1,000.00, or both for making a sworn false statement or Affidavit pursuant to Section 97-7-35, Miss. Code Ann.

DATED, this the _____ day of _____, _____.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, _____.

(CLERK'S SEAL)

Circuit Clerk's Signature

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Processing Affidavit Ballots

For all affidavit ballots:

1. Make certain the affidavit is signed by the voter and a poll manager.
2. Look at the reason the voter marked for casting an affidavit ballot.
 - If the voter cast an affidavit ballot because he/she was unable to present an acceptable form of photo ID, verify whether the voter presented an acceptable photo ID to the Municipal Clerk's Office within five (5) business days after the date of the election.
 - If the voter did not return to the Municipal Clerk's Office and present an acceptable form of photo ID, the affidavit ballot is **REJECTED**.
 - If the voter did return to the Municipal Clerk's Office and present an acceptable form of photo ID, the affidavit ballot is **ACCEPTED**.



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Processing Affidavit Ballots

- If the voter cast an affidavit ballot because he/she had a religious objection to being photographed, verify whether the voter signed an Affidavit of Religious Objection in the Municipal Clerk's Office within five (5) business days after the date of the election.
- If the voter did not return to the Clerk's Office and sign an Affidavit of Religious Objection, the ballot is REJECTED.
- If the voter did return to the Clerk's Office and signed an Affidavit of Religious Objection, the ballot is ACCEPTED.



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Processing Affidavit Ballots

3. Check the Master Voter Roll (or SEMS) and see if and when the voter registered to vote.
4. If registered, check the voter's status.
 - ACTIVE: Ballot ACCEPTED if cast in the precinct of the voter's current residence.
 - INACTIVE: Ballot ACCEPTED if cast in the precinct of the voter's current residence (moved out of original precinct but within municipality).
 - PURGED: Ballot REJECTED, if properly purged from SEMS.
 - PENDING: If the voter registered to vote within 30 days of the election, ballot is REJECTED.
 - Look at the voter's registration application or check with the Circuit Clerk's Office. Check the date the application was stamped as received or the postmark date.



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Processing Affidavit Ballots

4. If the voter is not registered:

- Was a voter registration application received?
 - Check SEMS and/or with the Clerk's Office.
 - Contact MSOS regarding missing DPS registrations.
 - If the voter never registered, the affidavit ballot is REJECTED.
 - If the is registered in the county but not the municipality, the affidavit ballot is REJECTED.
 - If the voter registered within 30 days of the election, the affidavit ballot is REJECTED.
 - If the voter registered before the deadline, the affidavit ballot is ACCEPTED.
- Was the voter illegally denied registration?



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Processing Affidavit Ballots

Final Action:

- Mark the ballot envelope “ACCEPTED” or “REJECTED.”
- If rejected, mark the reason why the ballot was rejected.
- Follow-up Action:
 - Mark on the ballot envelope any follow-up action to be taken (i.e., update address, restore voter to an active status, mail registration application to voter).



Free Access System

All affidavit voters must be provided with written information on how to ascertain whether his/her affidavit ballot was counted, and, if not, why it was not counted.

- HAVA requirement
- Municipality must have a free access system.
 - Typically the municipal clerk's phone number.



Resolution Board



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Resolution Board

- A Resolution Board is only necessary if your municipality is utilizing a precinct or central scanner.
- An odd number of not less than three (3) registered voters of the municipality.
- Members cannot include:
 - Election Commissioners, candidates and parents, siblings or children of candidates,
 - Members of a Municipal Executive Committee, in a Primary Election, and
 - Members of a Municipal Executive Committee, in a General Election unless members of all political parties who have a candidate on the ballot are appointed.
- Must attend poll manager training.



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Purpose of the Resolution Board

- Manually review all damaged, defective, blank or over-voted ballots rejected by the tabulating equipment.
- Determine the intent of the voter and record the vote intended by the voter.



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Procedure

- Ballots rejected by a voting machine must be deposited in a strong and secure envelope marked for the “Resolution Board.”
- The “Resolution Board” envelope is handled solely by the officials in charge of the election.
- The officials in charge of the election deliver the “Resolution Board” envelope to the Resolution Board.



Procedure

- If the Resolution Board can determine the intent of the voter from the ballot, they prepare a duplicate ballot, identical to the voter's marked ballot, to replace the damaged or defective ballot.
- The duplicate ballot is scanned through the tabulating equipment (OMR).



Preparing a Duplicate Ballot

- The Resolution Board makes a copy of the voter's original damaged or defective ballot, and
- Marks the voter's original ballot as "Original #1" and the copy as "Duplicate #1."
- The Board prepares subsequent originals and duplicates in the same manner with sequential numbering.



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Blank Ballots

- Blank ballots are ballots a voting machine rejects because it does not detect a vote on the ballot.
- The Resolution Board examines a blank ballot to verify whether it is blank or marked with a “non-detectable” marking device.
- If marked with a “non-detectable” marking device, the Resolution Board prepares a duplicate ballot of the voter’s original ballot and then scans the ballot through the tabulating equipment (OMR).



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Over-votes

- Over-votes are ballots that contain more votes for a particular race or measure than the voter is entitled to cast.
- All ballots rejected by the OMR containing over-votes must be reviewed by the Resolution Board.
- If the voter's intent cannot be determined by the Resolution Board, the officials in charge of the election may use the voting machine to count the votes in the races which are unaffected by the over-vote.
- All other ballots which are over-voted are counted manually by the Resolution Board and the voter's intent is determined by the provisions set forth in statute.



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OMR Ballot Acceptable Marks

In reviewing a ballot on which a voter failed to fill in the circle, the Resolution Board shall count the vote if:

1. The voter marks the circle with an (X) or checkmark and the lines intersect within or on the line of the circle by the ballot measure or candidate.
2. The voter blackens the circle and the blackened portion extends beyond the boundaries of the circle.
3. The voter marks the ballot with an (X) or checkmark and the lines that form the mark intersect adjacent to the ballot measure or the name of the candidate.



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OMR Ballot Acceptable Marks

4. The voter underlines the ballot measure or the name of a candidate.
5. The voter draws a line from the circle to a ballot measure or the name of a candidate.
6. The voter draws a circle around the ballot measure or the name of the candidate.
7. The voter draws a circle around the circle adjacent to the ballot measure or the name of the candidate.



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Voting Equipment

- OMR and automatic tabulating equipment shall be programmed, calibrated, adjusted and set up to reject ballots that appear to be damaged or defective.
- Any switch, lever or feature on OMR or automatic tabulating equipment that enables or permits the equipment to override the rejection of damaged or defective ballots so that such ballots will not be reviewed by the Resolution Board shall not be utilized.



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Canvassing and Certifying



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Canvassing the Election Returns

The Executive Committee in Primary Elections and the Election Commission in the General Election must “canvass” the election returns. Canvassing requires:

- Verifying all ballot boxes received on election night have seal numbers which match the seal numbers provided by the R/R manager’s form,
- Verifying the receipt book is in the sealed ballot box,
- Verifying receipt of certified results
 - Result Total Tapes or Hand-Count Tally Sheet,



Canvassing the Election Returns

- Verifying absentee ballots are marked accepted or rejected,
- For accepted absentee ballots, ensuring the voters' names are written in the receipt book and "VOTED" was written in the pollbook, with the notation "AB,"
- Comparing the number of absentee ballot envelopes (total) to the number of absentee voters' names provided on the absentee ballot list provided by the Municipal Clerk,
- Opening and scanning the accepted absentee ballots (if using a central scanner),



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Canvassing the Election Returns

- Securing all absentee ballot materials,
- Scanning emergency and curbside ballots (if using a central scanner),
- Securing emergency and curbside ballots,
- Accepting or rejecting affidavit ballots,
- Ensuring all affidavit voters' signatures are on a separate receipt book and the count matches,
- Opening and scanning the accepted affidavit ballots (if using a central scanner),
- Securing affidavit ballots,



Canvassing the Election Returns

- Matching the Result Totals from the tapes to the Ballot Accounting form,
- Verifying the tally conducted by the poll managers on Election Day,
- Verifying the Ballot Accounting forms,
- Creating a separate Ballot Accounting form for the entire municipality, and
- Ensuring all ballot boxes are resealed and the seal number is recorded.



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Canvassing the Election Returns

- Make sure all ballot boxes are resealed and the number on the seal(s) is recorded.
- *Do not place the pollbook in the ballot box. The pollbook is subject to a public records request, while the receipt book is not. The pollbook is to be kept by the Municipal Clerk.*



Canvassing the Election Returns

- The recapitulation forms used to certify an election are required by state statute.
- Either print the Recapitulation Report from SEMS and verify the results, or use the blank Recapitulation Reports provided by our Office.
- A majority of the Officials charged with the election (quorum) must sign the report to certify the election results.



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Official Recapitulation

The Municipal Election Commission will prepare three (3) Official Recapitulation Sheets containing the vote of the entire municipality by ward. They will forward one copy to Delbert Hosemann, Secretary of State, P.O. Box 136, Jackson, MS 39205-0136 or by faxing to (601)576-2545, file one copy with the Municipal Clerk, and keep the third copy for their records.

Election

Votes cast in the Municipality of _____,
_____, Mississippi on the _____ day of _____, 20____.

We, the undersigned Election Commission, hereby certify that the foregoing is a true and complete recapitulation and statement of the results of a _____ Election held on the _____ day of _____, 20____, in the Municipality of _____, Mississippi, and set opposite the respective names at said election.

In testimony whereof, witness our hand this _____ day of _____, 20____.

The Municipality of _____, Mississippi.

Election Commissioner

Election Commissioner

Election Commissioner

Election Commissioner (If necessary)

Election Commissioner (If necessary)

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Election

OFFICIAL RECAPITULATION of votes cast in the _____ Election held in the Municipality of _____, Mississippi on the _____ day of _____, 20_____.

Votes cast in the Municipality of _____, Mississippi
on the _____ day of _____
20____.

Names of Election Wards

[illegible]

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Sign All Three Original Recapitulation Reports:

- Report for the Secretary of State's Office
- Report for the Officials in Charge of the Election
- Report for the Municipal Clerk's Office
- Mail, e-mail or fax the Certified Recapitulation to the Mississippi Secretary of State's Office to ensure our receipt within 5 business days after the election.



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Contact Information

Mississippi Secretary of State's Office *Elections Division*

P.O. Box 136
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(601) 576-2550

Elections Hotline: (800) 829-6786

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